

FILED
COUNTY CLERK

2021 FEB 17 AM 10:45

SUPERIOR COURT OF WASHINGTON

WHATCOM COUNTY
WASHINGTON

BY _____

FOR WHATCOM COUNTY

STEVEN TOJEK,

Plaintiff(s),

No. 21-2-00117-37

Vs.

AMENDED COMPLAINT FOR DAMAGES

WHATCOM COUNTY,

DEPARTMENT OF PROSECUTING ATTORNEY, WHATCOM COUNTY

GEORGE C. ROCHE, ESQ., DEPUTY PROSECUTING ATTORNEY,

CITY OF BLAINE,

BLAINE POLICE DEPARTMENT,

OFFICER JACOB FARRER, BLAINE POLICE DEPARTMENT,

OFFICER JON LANDIS, BLAINE POLICE DEPARTMENT,

OFFICER JASON HENTZ, BLAINE POLICE DEPARTMENT.

Defendant(s)

STEVEN TOJEK, appearing *pro se* alleges the following:

I. CLAIMS FOR RELIEF

1. STEVEN TOJEK at all times material was a resident and homeowner within the City of Blaine, Washington. Both at the time of presentation of the claim and when the claim arose, I resided at 1412 Mitchell Ave, Blaine WA 98230.

2. WHATCOM COUNTY is a political subdivision, a county located in the State of Washington. The business address of WHATCOM CUNTY is 311 Grand Ave., Bellingham, WA 98225.

3. WHATCOM COUNTY has a DEPARTMENT OF PROSECUTING ATTORNEY with a business address of 311 Grand Avenue, Suite 201, Bellingham, WA 98225. *"The mission of the Prosecuting Attorney's Office, in partnership with the communities we serve, is to vigorously protect the rights of the people of Whatcom County."*
<https://www.whatcomcounty.us/3161/About-Us>

4. At all times material herein GEORGE C. ROCHE, ESQ., was a DEPUTY PROSECUTING ATTORNEY for WHATCOM COUNTY with a business address of 311 Grand Avenue, Suite 201, Bellingham, WA 98225.

5. The CITY OF BLAINE is a political subdivision, a city, located in WHATCOM COUNTY, Washington State. The CITY OF BLAINE provides a police force that polices within the geographic borders of the CITY OF BLAINE. The business address for the CITY OF BLAINE is 435 Martin St. Suite 3000, Blaine, WA 98230.

6. At all times material herein, BLAINE POLICE DEPARTMENT is and was the police force for the CITY OF BLAINE. The business

1 address for the BLAINE POLICE DEPARTMENT is 322 H Street
2 Blaine, WA 98230.

3 7. At all times material hereto OFFICER JACOB FARRER, was
4 a police officer with BLAINE POLICE DEPARTMENT. His business
5 address is 322 H Street Blaine, WA 98230.

6 8. At all times material hereto OFFICER JON LANDIS, was a
7 police officer with BLAINE POLICE DEPARTMENT. His business address
8 is 322 H Street Blaine, WA 98230.

9 9. At all times material hereto OFFICER JASON HENTZ, was a
10 police officer with BLAINE POLICE DEPARTMENT. His business address
11 is 322 H Street Blaine, WA 98230.

12 10. Venue in this Court is proper as the amount in
13 controversy exceeds the jurisdictional limits of all lower courts,
14 and all relevant events occurred in Whatcom County.

15 11. This Court has personal jurisdiction over the defendants
16 as all defendants are located within Whatcom County.

17 12. I served a claim form on WHATCOM COUNTY on December 1,
18 2020; and more than sixty (60) days have elapsed from that time.

19 13. I served a claim form on CITY OF BLAINE on December 1,
20 2020; and more than sixty (60) days have elapsed from that time.

21 14. All events took place in Whatcom County between December
22 2, 2017 and October 31, 2019. The original traffic stop was on
23 December 2, 2017. On February 9, 2018, 2 1/2 months after the
24 traffic stop a misdemeanor charge was issued against me. I was

1 charged with an "Obstruction of Law enforcement officer." The
2 charge was retaliatory in nature as it came only after I made
3 complaints that the BLAINE POLICE DEPARTMENT were embellishing,
4 adding unnecessary information in their police reports concerning
5 the driver's mannerisms while operating the vehicle; and because
6 I fought the impounding of my vehicle. The charge brought against
7 me RCW 9A.76.020, obstructing a police officer was dismissed with
8 prejudice on October 31, 2019.

9 15. On December 2, 2017, I was a passenger in my vehicle
10 that was being driven by an acquaintance. I was tired and fatigued
11 and fell asleep at various points.

12 16. The driver of my vehicle was pulled over by the BLAINE
13 POLICE DEPARTMENT. The traffic stop took place at approximately
14 2100 Peace Portal Drive in Blaine. Eventually all the named police
15 officer defendants would arrive at the scene as my vehicle was
16 towed from 2100 Block of Peace Portal Drive, Blaine, Washington.

17 17. As I understand, the driver was initially stopped for a
18 speeding violation. The arresting officer aimed to impound my
19 vehicle without being concerned for making the decision to do so.
20 The Washington State law during the time of the traffic stop
21 allowed the arresting officer to impound any vehicle as long as
22 the officer could plant a DUI charge on the driver and then justify
23 said charge in his arrest report, and so the arresting officer did
24 exactly this.

1 18. Upon information and belief, the arresting officer did
2 not have sufficient probable cause to charge the driver with a DUI
3 charge. The law at the time secured the arresting officer's
4 position to impound my vehicle; however, he made the decision to
5 impound my vehicle prior to adding the DUI charge on the driver.
6 This same law utilized to shield the arresting officer's unethical
7 decision to impound my vehicle was eventually eliminated by the
8 State of Washington for being unconstitutional.

9 19. The Blaine police officers were negligent in their
10 duties. At the time of the impounding of my vehicle, there was no
11 probable cause to do so.

12 20. The sensitive material from the unfinished investigation
13 regarding the BLAINE POLICE DEPARTMENT on January 15th was input
14 into Shah Khan's December 2nd traffic stop police report.
15 Disregarding good standard police procedure by adding an
16 unfinished investigation to an unrelated persons police report
17 while knowingly inputting unnecessary information to a report in
18 an unrelated event.

19 21. Shah Khan and the traffic stop event are unrelated to
20 the January investigation and have no affiliation to each other
21 and are unrelated events. The BLAINE POLICE DEPARTMENT created an
22 unnecessary nexus to both events and doing potential unnecessary
23 damage from these actions.

1 22. Law enforcement information exchange is a "need to now
2 basis". Information associated from events concerning local law
3 with state jurisdiction and unrelated to federal immigration
4 services regarding Shah Khan was shared without a need to know,
5 and demonstrates a serious problem. Shah Khan is a US citizen and
6 doesn't have affiliation to the US Border Protection and Customs
7 agencies.

8 23. The US Border Patrol doesn't have a need to know for
9 Shah Khan's court case information prior to litigation, and this
10 wrongful information exchange demonstrates unethical information
11 sharing.

12 24. The BLAINE defendants tried to use this wrongful
13 information sharing to hurt and discredit me by associating me
14 with a negative event; however, it was highly unethical to share
15 courtroom information with an agency that doesn't have a reason to
16 have it, other than to cause unnecessary damage.

17 25. After December 2, 2017 but before I was charged with a
18 misdemeanor, I contacted the defendant police officers and asked
19 them to revise their reports, so the reports were accurate to the
20 actual events of December 2, 2017. When they refused, I complained
21 to their supervisors.

22 26. I informed the Blaine Chief, the Blaine City manager,
23 and the county inspectors responsible for investigating unethical

1 police activities; furthermore, all informed parties refused to
2 properly address the matter.

3 27. I was fighting the impounding of my vehicle. The
4 Defendant officers impounded the vehicle registered to my name
5 during the event without giving any valid lawful reason. I was
6 the passenger in the traffic stop mentioned; however, the driver
7 of the vehicle was being arrested and taken to jail for mere-
8 speeding while the arresting officer justified his actions by
9 charging the driver with a reckless driving charge without any
10 valid evidence of recklessness. In my opinion, this constitutes
11 an unlawful arrest.

12 28. Upon information and belief, the defendant police
13 officers made statements to and had several conversations with
14 DEPARTMENT OF PROSECUTING ATTORNEY, WHATCOM COUNTY, wherein I was
15 portrayed as a bad actor, and was portrayed as interfering with
16 their charges against the driver.

17 29. The misdemeanor charge filed against me was retaliatory
18 in nature. The unethical actions of the Blaine Police Officer
19 opened the doors for a Whatcom County prosecutor to charge me with
20 a crime and draw me into the judicial system unnecessarily.
21 Twenty months of my life were negatively impacted from the
22 decisions of this Blaine Police Officer during the night of
23 December 2, 2017, and in their actions thereafter.

1 30. Further, it was readily known to the Blaine Police
2 Department that I was an active-duty US Border Patrol Officer, and
3 any charge or accusations of charge or threat of pending charges
4 would have adverse consequences for me at my work.

5 31. Prior to the events complained of herein, in January of
6 2017, the Blaine Police Department made misleading and untrue
7 claims against me regarding my on duty activities with the US
8 Border Patrol. I had to endure an internal affairs investigation
9 because of the misleading claim made in or about January 2017. I
10 provided evidence to the US Border Patrol and was exonerated.

11 32. Before this in the context of making a police report to
12 the BLAINE POLICE DEPARTMENT in 2015 wherein I was assaulted and
13 threatened by a local resident, I was purposely portrayed as the
14 bad actor.

15 33. I made a request to edit a police report that I had made
16 with an (off duty) Officer of the Blaine Police Department. The
17 topic of the police report involved me being threatened by a local
18 jealous husband of a person that I was friends with. The Officer
19 perceived my complaint wrongly, and this mistake would eventually
20 show me to appear more distasteful in the police report. I made a
21 request to the Blaine Police Officer to correct the police report,
22 and the request was ignored.

1 34. Later, I made a request to the Police Chief of Blaine
2 for assistance, and being told the matter will be investigated, I was
3 ignored.

4 35. In 2015, I made two more inquiries to the Chief. The
5 report was never corrected from what I understood, and there was
6 zero communication with me regarding this matter from Blaine. I
7 thought it to be odd when knowing it was a small and easy correction
8 for the Officer.

9 36. Upon information and belief, me, and my private vehicles
10 are known to most Blaine Police Officers. In the course of my
11 employment with the US Border Patrol, I regularly work with
12 officers from the BLAINE POLICE DEPARTMENT. I was known for waving
13 to the Blaine Police officers while driving to my work in my
14 privately owned vehicle.

15 37. I was treated like a spectacle by the BLAINE POLICE
16 DEPARTMENT when I was issued a speeding ticket in 2015. I was
17 alone on the Interstate between 2-3 in the morning when I was
18 pulled over by a Blaine Police officer.

19 38. The Blaine police officer decided to activate his
20 emergency lights and start the pursuit toward me. During the
21 "pursuit", prior to the traffic stop, the pursuing officer made a
22 claim to Border Patrol dispatch that I was failing to yield to
23 the emergency lights; however, the truth of the matter was I was
24 looking for a safe place to pull over while exiting the

1 interstate. This fact should have been apparent to the pursuing
2 officer.

3 39. Upon information and belief, the radio call was made to
4 the Border Patrol to paint me in a negative light. The fact being
5 my supervisors could hear this radio traffic was to create doubt
6 regarding me to my supervisors.

7 40. As part of my fitness to be a US Border Patrol Officer,
8 under current policy we must redo our background checks every five
9 years, so it is important and meaningful to me that any police
10 report involving myself is accurate. The BLAINE POLICE DEPARTMENT
11 has on multiple occasions made police reports involving me that
12 are less than accurate misleading and attempt to paint me in a bad
13 light.

14 41. It is readily known to BLAINE POLICE DEPARTMENT that
15 whether local, county, state or federal, a law enforcement agent
16 must meet minimum standards; and that when a complaint is made
17 against a law enforcement officer an investigation will be made.
18 Further, that during the time of investigation, the officer being
19 investigated will be put on desk duty or will have a meaningful
20 and significant limitation placed on them while the investigation
21 is ongoing. Even if the investigation ultimately clears the
22 complained of officer of any wrongdoing, the complained of officer
23 still suffered negative repercussions during the investigation
24 period.

1 42. In other words, a law enforcement officer will suffer
2 negative repercussions simply because an allegation is made. As
3 a result of simply being charged with a misdemeanor in February
4 2018, I was temporarily reassigned a new position of employment
5 until the court case was resolved. My paycheck during the court
6 case was reduced approximately \$27,000 throughout that full length
7 of time.

8 43. This event created a multitude of negative events at my
9 employment due to the close relationship between my agency and the
10 Blaine Police Department.

11 44. I paid my attorney \$6,975 to compensate him for his time
12 and effort throughout the criminal case.

13 45. I endured unnecessary additional scrutiny from the
14 Blaine police department throughout the duration of the case.

15 46. The Blaine Police Department continued to create
16 unnecessary reports from unrelated events so as to appear to have
17 an abundance of derogatory history for the purpose to discredit me
18 for multiple reasons.

19 47. I ran for political office in 2020, and my campaign was
20 negatively damaged by the false charges. The local paper ran a
21 story that was negative and implied I was unfit for public office
22 because of the charge.

23 48. I was caused to suffer mental anguish.

24 49. My reputation and good name have been damaged.

1 50. I have lost or been delayed in opportunities for
2 advancement with the US Border Patrol. Also, my ability to
3 transfer to a different location has been hindered. The history
4 created by inaccurate police writings damages my credibility, and
5 can be used against me when applying for other details with the US
6 Border Patrol.

7
8 **FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**
9 **VIOLATION OF CIVIL AND CONSTITUTIONAL RIGHTS, RETALIATION**

10
11 51. I repeat and reallege numbered paragraphs herein 1
12 through 45.

13 52. There was no legitimate government reason to impound my
14 vehicle on December 2, 2017. The vehicle was not involved in a
15 collision, and there was no need to examine the vehicle for damage.
16 There was nothing about the vehicle from an evidentiary perspective
17 that would support a charge of reckless driving. There was nothing
18 about the vehicle that would support a charge of speeding. These
19 types of offenses are supported by the police officer's direct
20 observation or use a speed measuring device. The interests of
21 public safety were not advanced by impounding my vehicle, as the
22 operator of vehicle was arrest, and taken away from the scene.
23 Further there was not sufficient probable cause to support the
24 impounding of my vehicle.

1 53. The impounding of my vehicle on December 2, 2017 was
2 done to cause me a headache and was done to cause economic harm to
3 me.

4 54. Alternatively, the defendant police officers were
5 negligent in the performance of their police duties. The BLAINE
6 POLICE DEPARTMENT and the defendant police officers owed me, a
7 private citizen who was off-duty, a duty of care. The duty of
8 care was breached, and as a direct and proximate result I was
9 caused to suffer injuries to my property and person.

10 55. My Fourth Amendment civil rights were violated from an
11 unreasonably seizure of my property/vehicle by the Blaine Police
12 department on December 2, 2017, from 2100 Block Peace Portal Drive,
13 Blaine, Washington.

14 56. There is no police report for me from December 2, 2017
15 because I committed no crime nor violation.

16 57. I attempted to fight the impounding of my vehicle. I
17 used the local city process available through the CITY OF BLAINE,
18 and through the State of Washington.

19 58. I also attempted to have the statements and police
20 reports of the defendant police officers corrected so said writings
21 would accurately portray the events that took place on December 2,
22 2017.

1 59. When said defendant police officers refused to make
2 corrections I complained to their supervisors, and the city
3 officials of the CITY OF BLAINE.

4 60. Law enforcement information exchange is a "need to now
5 basis". Information associated from events concerning local law
6 with state jurisdiction and unrelated to federal immigration
7 services regarding Shah Khan was shared without a need to know,
8 and demonstrates a serious problem. Shah Khan is a US citizen and
9 doesn't have affiliation to the US border protection and customs
10 agency. The US Border Patrol doesn't have a need to know for Shah
11 Khan's court case information prior to litigation, and this
12 wrongful information exchange demonstrates unethical information
13 sharing.

14 61. It was unethical to share the information regarding Shah
15 Khan's arrest with the US Border Patrol. The BLAINE defendants
16 tried to use this wrongful information sharing to hurt and
17 discredit me by associating me with a negative event.

18 62. I was issued an "Obstruction of Law enforcement officer"
19 charge 2 1/2 months after an event; furthermore, this happened
20 because I exposed the police officers for lying, embellishing, and
21 adding unnecessary information in their police reports concerning
22 the driver's mannerisms while operating the vehicle.

23 63. Upon information and belief, defendant police officers,
24 the BLAINE POLICE DEPARTMENT or other officials with the CITY OF

1 BLAINE had conversations with and spoke with GEORGE C. ROCHE, ESQ.,
2 DEPUTY PROSECUTING ATTORNEY and during said conversations made
3 misleading statements for the purpose of charging me with a crime,
4 to silence me from exercising my right of free speech, and my right
5 to free from unreasonable seizure.

6 64. The misdemeanor charge filed against me on or about
7 February 9, 2018 was strictly retaliatory in nature. The charge
8 was brought to cause me economic injury, and to interfere with my
9 good standing as a US Border Patrol Officer. The charge was a
10 direct result of my complaints that the BLAINE POLICE DEPARTMENT
11 failed to follow proper police procedures. The retaliatory
12 criminal charge was brought because I exercised my right to free
13 speech, and it was brought to curtail my free speech. There was
14 no legitimate government reason or purpose to curtail my free
15 speech that was critical of the BLAINE POLICE DEPARTMENT or that
16 was critical of the CITY OF BLAINE.

17 65. Further, the criminal charge file against me was done to
18 cause me the loss property, loss of income, loss of job status,
19 without giving me due process. Because I was a US Border Patrol
20 Officer a mere allegation of wrongdoing would cause me economic
21 harm.

22 66. And while my job status was almost immediately restored
23 upon the dismissal of said criminal charge in October of 2019,
24 there is no mechanism to get the loss overtime, the loss of wages,

1 the loss of job status, I endured while the baseless criminal
2 charge against was adjudicated in my favor in the Washington State
3 Court System.

4 67. My constitutional claims did not accrue until the
5 criminal charge against me was dismissed on October 31, 2019. The
6 charge against was Obstruction of Law enforcement officer, thus
7 while all my actions were protected by my constitutional rights,
8 the defendants alleged they were criminal in nature and done to
9 interfere with a police investigation. Until my good name was
10 cleared, I could not bring legal process against the defendants
11 for their conduct.

12 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS**
13 **MALICIOUS PROSECUTION**
14

15 68. I repeat and reallege numbered paragraphs herein 1
16 through 60.

17 69. My vehicle that I was not driving at the time and was a
18 passenger in, was impounded on December 2, 2017, there was no
19 probable cause to impound the vehicle.

20 70. I was charged with a misdemeanor obstructing a Law
21 Enforcement Officer on February 9, 2018, arising out of the
22 December 2, 2017 impounding of my vehicle. There was no probable
23 cause for this charge.

24 71. On October 31, 2019, the misdemeanor charge against me
25 was dismissed with prejudice.

1 72. The charge against me was made based upon false
2 statements and false reporting by Blaine Police Officers in their
3 reports, against me. These statements were made to make me look
4 bad, the false reporting was done to support Blaine Officers
5 improper following of proper police procedures.

6 73. As a result, I sustained economic damages and was caused
7 to suffer loss of earnings, and mental distress.

8 74. After, the charge was issued against me, the Blaine
9 Police Department continued the prosecution, did not stop the
10 prosecution, did not request the prosecution be stopped, nor did
11 they attempt to correct any of their police reports.

12 75. The Blaine Police Department did nothing to stop the
13 Prosecuting Attorney from moving forward with a criminal case
14 against me.

15 76. The Blaine Police Department willfully participated in
16 the false prosecution, notwithstanding their clear knowledge that
17 no crime was committed and that they were not interfered with by
18 me.

19 77. Further it was known to the BLAINE POLICE DEPARTMENT
20 that allegation of wrongdoing made against me would cause an
21 investigation to be undertaken by my employer and that I would
22 suffer economic harm.

1 78. As a direct and proximate result of the malicious
2 prosecution I was caused to suffer injury to my property and injury
3 to my person.

4 79. This claim did not accrue until October 31, 2019, when
5 said criminal charge was dismissed with prejudice.

6
7
8 **THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS**
9 **ABUSE OF PROCESS**

10 80. I repeat and reallege numbered paragraphs herein 1
11 through 72.

12 81. The criminal charge issued against me by the prosecuting
13 attorney was done with an ulterior motive and was not done to
14 enforce the laws of the State of Washington.

15 82. On February 9, 2018 a misdemeanor charge was issued
16 against me. The charge was dismissed with prejudice on October 21,
17 2019.

18 83. There was no legitimate law enforcement purpose for the
19 issuing of the criminal summons against me. It was issued to
20 silence me from being critical of the CITY OF BLAINE and the BLAINE
21 POLICE DEPARTMENT.

22 84. Upon information and belief, the CITY OF BLAINE, BLAINE
23 POLICE DEPARTMENT, and the defendant police officers spoke with
24 and made material misrepresentations to the prosecuting attorney,

1 inducing him, and causing him to issue criminal process against
2 me. This was done with an ulterior motive and was not done to
3 enforce the laws of the State of Washington.

4 85. It was known to all defendants that the simple issuing
5 of the criminal summons would cause me adversity at my job, would
6 cause be to be put on desk duty, would cause me to undergo an
7 investigation.

8 86. Further, it was known to all defendants that the mere
9 issuing of the criminal summons would cause me economic harm and
10 damage to my reputation.

11 87. As a direct result of the Abuse of Process by defendants
12 I have suffered injuries to my property and injuries to my person.
13 I lost wages. I lost or was delayed in opportunities for job
14 advancement and transfer. I was caused to suffered mental anguish.
15 My reputation in the community was damaged.

16 88. This claim did not accrue until October 31, 2019, when
17 said criminal charge was dismissed with prejudice.

18 **II. REQUEST FOR RELIEF**


19 89. Plaintiff demands trial by jury.

20 90. Plaintiff prays for relief of \$250,000.00 on each cause
21 of action.

22 91. Plaintiff prays for relief that defendants pay
23 plaintiff's attorney fees and costs of this action.
24

2-17-2021

Dated: February 15, 2021
Blaine, Washington



Steven Tojek
Mail: PO BOX 1975
Blaine, Washington
Phone: (716) 316-1817
Email: monte402@yahoo.com